

REMARKS

I. Status of the Claims

Claims 25-67 are pending in this application. Claims 1-24 have been cancelled. Claims 25-42 and 63 have been withdrawn from consideration as drawn to non-elected subject matter. Claims 43, 45, 46, 50, 52, 54, 57, 59, 61, 62, 64 and 66 have been amended.

Written description support for the amendments to claims 43, 45, 46, 50, 52, 54, 57, 59, 61, 62, 64 and 66 may be found, for example, at page 28 of the original application. Accordingly, no new matter has been added by this amendment.

II. Interview with the Examiner

Applicant thanks Examiner Webman for the courtesies extended during the telephone interview with Applicant's undersigned representative on July 30, 2003.

During the telephone interview, the Examiner indicated his willingness to withdraw the rejection of claims 43-62 and 64-67 under 35 U.S.C. § 103(a) if Applicant amended the claims to include the added polymer ratio of 0.1:1 to 10:1.

III. Rejection Under 35 U.S.C. § 103(a)

Claims 1-10, 12 and 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,878,604 ("Sramek") in view of EPA 590,604 ("EP '604") and Chemical Abstract 117546 ('546), for the reasons discussed at pages 2-3 of the outstanding Office Action.

Applicant respectfully disagrees with the rejection for the reasons of record. Specifically, there is no motivation to combine the teachings of Sramek, EP '604 and '546 in a manner which would render obvious the claimed invention.

However, in order to expedite prosecution of this application, Applicant has amended the claims to recite that the ratio by weight of the claimed polymers is from 0.1:1 to 10:1. Neither Sramek, EP '604 or '546 teach or suggest the claimed ratio of polymers recited in Applicant's claims. For at least this reason, Applicant requests that the rejection be withdrawn, that the claims be allowed, and that the application be passed quickly to issue.

IV. Provisional Obvious Double Patenting

Claims 43-62 and 64-67 continue to stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-10, 12 and 18-19 of copending Application No. 09/364,581. Solely in an effort to expedite prosecution, and in no way acquiescing in the rejection, Applicant's representative executed the attached Terminal Disclaimer.

V. Conclusion

Applicant respectfully requests that the Examiner withdraw all of the outstanding rejections and indicate allowance of claims 53-62 and 64-66.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 29, 2003

By: 

Matthew L. Whipple
Reg. No. 47,217

Attachment: Terminal Disclaimer

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com